

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

February 18, 2014

POST SUMMARY MINUTES

PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Shana M. Rooks, Commissioner Michael Edmondson, Commissioner Sonna Singleton, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Apostle Candy Saunders, of New Beginning Word Center Global Outreach Ministry in Rex, Georgia. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by deleting item #7, subsection 2 (**RFB Pkg. #10-33 Construction Materials Testing/Inspections/Soil Bores, Annual Contract, Request for Contract Extension, First Amendment** [*Nova Engineering and Environmental, LLC, located in Kennesaw, Georgia*]. Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval); item #7, subsection 9 (**RFQ Pkg. #2014-D Window Cleaning Services at Clayton County Justice Complex** [*AAA National USA, Inc., located in Norcross, Georgia. Funding is available through the Justice Complex Maintenance 2014 budget; \$2,800.00*], as requested by the Building and Maintenance Department. Per Section 2-136 (4) of the Clayton County Purchasing Ordinance, the written quote method is used for all purchases from \$500.00 to \$24,999.99. Buyers are required to solicit quotations and receive written response from vendors. All reasonable efforts will be made to obtain three written quotations for each item solicited. Awards for written quotations are given strictly on a lowest quote); and item #19 (Appointment to the Water Authority Board. The term of Marie Barber expires on 3-1-14. New term is for five (5) years; expiring on 3-1-19). Clerk Haywood announced that an Executive Session would not be held tonight. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the February 4, 2014 Regular Business Meeting minutes. Vote unanimous.
5. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up to be heard at the next Tuesday business meeting.

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1) Dr. Henry Anderson, a Clayton County resident, came before the Board to express appreciation to Commissioner Rooks for organizing a ride-along on February 10, 2014 with himself, Chief Operating Officer Arrelle Anderson, and Community Development Director Patrick Ejike. He noted from the ride-along on the streets and corridors in Clayton County that there were visible non-compliant businesses, apartment homes, used tire places, mobile home parks, and other commercial properties that blatantly violate the county laws, rules and ordinances. Per Dr. Anderson, this is a continuous embarrassment and a severe negative presentation of Clayton County. He stated that Mr. Ejike made suggestions on how the codes and ordinances could be strengthened and made tougher to address these ongoing problems in Clayton County. Dr. Anderson informed the Board that Mr. Ejike stated that even though Code Enforcement falls under his department, he presently does not have any enforcement officers at all. He expressed that this was unacceptable, inexcusable, and unsatisfactory. In closing, Dr. Anderson strongly encouraged and requested that the Board approve at least one code enforcement officer to inspect businesses in the County, make this issue a high priority, and respond quickly. He then thanked the Board for its time and attention.

2) Pastor Lloyd Johnson, of First Riverdale Seventh Day Adventist Church located at 8258 Thomas Road, voiced his concerns about a notice he received from the County's Transportation and Development Department regarding sidewalk construction along Thomas Road. Pastor Johnson stated that he has been waiting for two years and the sidewalks still have not been constructed. He said pedestrians are sharing the road with cars and this is a dangerous situation due to no accessibility to sidewalks. Flooding has also become an issue. Pastor Johnson asked the Board to assist him in resolving this matter.

Chairman Turner referred Mr. Johnson to Keith Rohling, Assistant Director of Transportation and Development, for assistance with this matter.

3) Keith Parker came before the Board on behalf of taxpaying citizens of District 2. Mr. Parker expressed gratitude to Commissioner Hambrick, Police Chief Greg Porter, Sheriff Victor Hill and Clayton County Public School Superintendent Dr. Luvenia Jackson for providing warming stations to residents of the County who were without power during the winter snow storm the week of February 10, 2014.

6. PROCLAMATION: "Clayton County Recognizes Mr. Lawrence Williams, Jr., Negro League Professional Baseball Player" (presented by Commissioner Gail Hambrick).

[NOTE: Group photos were taken of the honoree and Board of Commissioners. Clerk Haywood read the proclamation for the benefit of the honoree, Board, and audience.]

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7. Theodis Locke, Director of Central Services/Risk Management, presented eight (8) items that resulted in the following Board actions.

(NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website. Citizens can access this website via the following website address: <http://library.municode.com/index.aspx?clientId=10562>.)

1) Approved **RFP Pkg. #10-05 SPLOST Project Management & Consultant Services for one (1) Police Precinct & Renovations, Library, Animal Control Facility, Fueling Facility and Fire Multi-Purpose Building Construction Projects, Request for Work Authorization Amendment for Police Precinct, NE** (*Silverman Construction Program Management, located in Atlanta, Georgia. Funding is available through the 2009 SPLOST funds; \$46,686.00/\$2,400.00*), as requested by the Police Department. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

2) Approved **RFB Pkg. #11-40 Clayton County Generators Inspections and Services, Annual Contract, Request for First Annual Renewal, First Amendment** (*Pro Power Tech Services Technologies, located in Altamonte Springs, Florida*), as requested by the Building and Maintenance Department. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

The renewal period will be from March 1, 2014 to February 28, 2015. This is the final renewal on this contract and the Board of Commissioners approved this bid on February 21, 2015.

3) Approved **RFB Pkg. #12-47 Full Service Preventative Maintenance for 3 Phase Uninterruptible Power Systems, Annual Contract, Request for First Annual Renewal, First Amendment** (*AC & DC Power Technologies, LLC, located in Fayetteville, Georgia*), as requested by the Building and Maintenance Department. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services

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directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

The renewal period will be from March 1, 2014 to February 28, 2015. The remaining renewal on this contract is for one (1) additional one (1)-year period and the Board of Commissioners approved this bid on December 18, 2012.

4) Approved **RFB Pkg. #12-48 Clayton County Transportation & Development Stone Material Services, Annual Contract, Request for First Annual Renewal, First Amendment** (*Stephens Rock & Dirt, Inc., located in College Park, Georgia*), as requested by the Transportation & Development Department. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

The renewal period will be from March 1, 2014 to February 28, 2015. The remaining renewal on this contract is for one (1) additional one (1)-year period and the Board of Commissioners approved this bid on December 4, 2012.

5) Approved **RFB Pkg. #12-51 Clayton County Transportation & Development Roadway Construction Concrete, Annual Contract, Request for First Annual Renewal, First Amendment** (*Larry Ford Construction Company, Inc., located Ellenwood, Georgia*), as requested by the Transportation & Development Department. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

The renewal period will be from March 1, 2014 to February 28, 2015. The remaining renewal on this contract is for one (1) additional one (1)-year period and the Board of Commissioners approved this bid on January 8, 2013.

6) Approved **RFP Pkg. #13-59 Transit Planning & Engineering Services, Annual Contract, Task Order #1** (*Tindale-Oliver Associates, Inc., located in Tampa, Florida. Funding is available through the County's General Fund Balance; \$148,220.00*), as requested by the Transportation and Development Department. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. The Clayton County Board of Commissioners makes the final award for all non-budgeted

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proposals of \$35,000.00 and greater. Vote unanimous.

7) Approved **RFQ Pkg. #2014-C Pool Covers and Installation of Safety Covers for a Lap and a Kiddie Pool for Clayton County Parks and Recreation Department** (*Aqua Pools, LLC, located in Stockbridge, Georgia. Funding is available through 2004 SPLOST funds; \$7,200.00*), as requested by the Parks & Recreation Department. Per Section 2-136 (4) of the Clayton County Purchasing Ordinance, the written quote method is used for all purchases from \$500.00 to \$24,999.99. Buyers are required to solicit quotations and receive written response from vendors. All reasonable efforts will be made to obtain three written quotations for each item solicited. Awards for written quotations are given strictly on a lowest quote. Vote unanimous.

8) Approved **#2014-I Bread Products for the Clayton County Prison, Annual Contract, Statewide Contract** (*Flowers Baking Company, located in Villa Rica, Georgia and Earthgrains Baking Companies, Inc., located in Decatur, Georgia; State Contract #99999-SPD0000091. Funding is available through the Corrections Department's 2014 budget*), as requested by the Clayton County Prison. Per Section 2-136 (6) of the Clayton County Ordinance, the purchasing agent has the authority to purchase unlimited quantities of goods utilizing active annual contracts. O.C.G.A., § 50-5-100 states, "The Department of Administrative Services is authorized to permit local political subdivisions, on an optional basis, to purchase their supplies through the state." This allows the purchasing agent to utilize statewide contracts when this practice serves the best interest of Clayton County. The Clayton County Board of Commissioners make the final award for the state contract purchases of \$35,000.00 and greater. Vote unanimous.

8. Ramona Thurman, Chief Financial Officer, presented seven (7) budget amendments and one (1) Request for Refund which resulted in the following Board actions.

1) Approved Budget Amendment #2-33 – Other General Government/FYE 6-30-14, in the amount of \$35,000.00, to replace a Police vehicle where repair cost exceeds the value of the vehicle. Vote unanimous.

2) Approved Budget Amendment #2-34 – Other General Government/FYE 6-30-14, in the amount of \$148,220.00, to appropriate funds for a transit feasibility study. Vote unanimous.

3) Approved Budget Amendment #2-35 – Other General Government/FYE 6-30-14, in the amount of \$10,000.00, to appropriate funds for additional building repairs for the Clayton County Prison. Vote unanimous.

4) Approved Budget Amendment #2-36 – Probation Services/FYE 6-30-14, in the amount

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of \$3,000.00, to transfer funds to cover the cost of the cashier's partition for the Probation Services. Vote unanimous.

5) Approved Budget Amendment #2-37 – Sheriff/FYE 6-30-14, in the amount of \$56,190.00, to reflect SCAAP funds that have been received by the Sheriff for the purchase of fingerprint scanners, automated defibrillators, body worn cameras, lawn mower, Tasers, and cartridges. Vote unanimous.

6) Approved Budget Amendment #4-51 – Fund 306 SPLOST – Roads & Recreation/FYE 6-30-14, in the amount of \$625,897.00, to amend the budget for utility relocation for the Godby Road project. Vote unanimous.

7) Approved Budget Amendment #4-57 – Fund 306 SPLOST – Roads & Recreation/FYE 6-30-14, in the amount of \$6,687,382.00, to amend the budget for utility relocation and distribution facility relocation on the C.W. Grant Grade Separation Project. Vote unanimous.

8) Approved a Request for Refund Check/Zoning Verification Letter for property that was recently annexed into the City of Lovejoy, in the amount of \$100.00, to Zoning Info, Inc. in Oklahoma City, Oklahoma. Vote unanimous.

9. The Board failed to pass Resolution 2014-30 due to the lack of a motion, This Resolution requested the Georgia General Assembly to adopt local legislation increasing Clayton County's supplemental compensation for the Superior Court Judges of Clayton County; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required; to provide an effective date of this resolution; and for other purposes.

10. Approved Ordinance 2014-43, an Ordinance to amend the Clayton County Zoning Ordinance, specifically Article 8 "Sign Standards" so as to delete Section 8.3 "Limitation Standards," Subparagraph A and insert in lieu thereof a new Section 8.3(A); to provide an effective date of this ordinance; to provide for repeal of conflicting ordinances; to provide for codification; to provide for severability; and for other purposes. Vote unanimous.

11. Approved Ordinance 2014-44, an Ordinance to amend the Clayton County Civil Service Rules and Regulations, as amended, specifically to delete Rule 7.202(F) "Provisional Appointments" and to insert in lieu thereof new language as provided herein; to repeal any and all conflicting laws, ordinances, resolutions, rules and regulations; to provide for severability; to provide an effective date of this

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ordinance; and for other purposes. Vote unanimous.

12. Approved Resolution 2014-45, a Resolution authorizing Clayton County to enter into a grant award agreement with the Criminal Justice Coordinating Council and, in accordance therewith, accept grant funds (\$70,000.00 with a local match of \$23,333.00) to be used in connection with the Violence Against Women Act (VAWA) grant program associated with the District Attorney's VWAP Project; to authorize the Chairman to execute the grant agreement and otherwise to perform all other acts necessary to accomplish the intent of the resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, and to transfer any required match of local funds, all as may be required under the terms of the grant agreement; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

13. Approved Resolution 2014-46, a Resolution authorizing Clayton County to amend an Aging Subgrant Contract with the Atlanta Regional Commission providing for services to be rendered in connection with Older Adult programs; to authorize the Chairman to execute the amendment(s) and otherwise to perform all other acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect appropriations and expenditures, and to transfer any required match of local funds, all as may be required under the terms of the amendment(s); to provide an effective date of this resolution; and for other purposes. Vote unanimous.

14. Approved Resolution 2014-47, a Resolution authorizing Clayton County to execute two (2) Right-of-Way Acquisition Contract Addendums with the Department of Transportation, State of Georgia for the Anvilblock Road Projects STP00-OOMS-00(342) and MSLOO-0004-00(638); to authorize the Chairman to execute the contract addendum and otherwise to perform all other acts necessary to accomplish the intent of the resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the agreement; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

15. Approved Resolution 2014-48, a Resolution authorizing Clayton County to enter into a Utility Relocation Agreement with Georgia Power for the relocation of utilities associated with the C.W. Grant Grade Separation Project; to authorize the Chairman to execute the agreement on behalf of the County and otherwise to perform all other acts necessary to accomplish the intent of the resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the agreement; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

16. Approved Resolution 2014-49, a Resolution authorizing Clayton County to amend a contract with

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McLeroy, Inc. to accurately reflect the company's name as Quality Construction by McLeroy, Inc.; to authorize the Chairman to execute the contract and otherwise perform any acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

17. Approved Resolution 2014-50, a Resolution granting sixteen (16) annual leave hours to certain Clayton County employees; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

18. Approved an Order for Remission: State of Georgia vs. Quantavius Shivers and Free At Last Bail Bonds (Surety); Case No(s). 2012CR08599; \$2,850.00. Vote unanimous.

As a point of personal privilege Commissioner Gail Hambrick read into the record the following letter regarding her concerns about Special Purpose Local Option Sales Tax (SPLOST) projects:

I will not be in attendance at next month's meeting when the projects proposed to be included in the SPLOST will be considered by this Board. My understanding is that one of the items being considered is for the county to use \$50 million of its share of SPLOST funds in an effort to help save the hospital (Southern Regional Hospital) from financial collapse. Furthermore, it is my understanding that under the proposal being considered, none of the cities will contribute any portion of their share of the SPLOST proceeds to this effort to save an institution that is vitally important to all of its citizens, not just the ones who live in the unincorporated areas. Additionally, I understand that even if we make the \$50 million expenditure, that action alone will not provide sufficient revenue to keep the hospital from effectively going broke. Mr. Chairman, before they are asked to vote on this questionable proposal, transparency dictates that the people of this county know if the Board is planning to raise property taxes to provide the additional \$8 million requested by the hospital. I would like to take this point of personal privilege to express my strong opposition to moving forward with this proposal without having developed a solid plan to which the cities contribute and which actually saves the hospital from financial collapse. I would strongly recommend that the SPLOST vote be delayed until the General Election in November to provide sufficient time to develop such a plan and inform the taxpayers of the financial impact on their collective pocketbooks. Thank you very much Mr. Chairman.

Vice-Chairman Rooks asked Commissioner Hambrick if she were proposing that the Board should let the hospital close.

Commissioner Hambrick replied she did not want the hospital to collapse in any way. She felt the Board

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should take more time than in May to explain to Clayton County citizens what kind of plan would be put in place to save the hospital. Commissioner Hambrick noted that the Board will be giving \$50 million and the hospital will still have a shortage of \$8 million. She reiterated that more time is needed to develop a plan so that when the Board helps the hospital and has the vote in November a plan will be in place.

Vice-Chairman Rooks questioned what would happen differently.

Commissioner Hambrick stated that the Board would have time to sit down and discuss a workable plan.

Vice-Chairman Rooks noted that the Southern Regional Hospital Board has met with all of the commissioners.

Chairman Turner interjected that Southern Regional Hospital's plight was also discussed in the commission retreat.

Commissioner Hambrick expressed concern about whether or not Clayton County citizens knew or if the Southern Regional Hospital Board knew what was being discussed. Vice-Chairman Rooks affirmed that there have been countless meetings with the Southern Regional Board.

Commissioner Hambrick stated she could not support the Board throwing good monies after bad monies.

Vice-Chairman Rooks acknowledged the only issue should be if the Board is going to allow the hospital to close or save the hospital.

Commissioner Hambrick stated the hospital is not going to close. Instead of rushing the vote in May, she was requesting to wait to vote in November when there is a General Election. This will give Clayton County citizens and herself time to find out how the hospital is going to use the \$50 million and why it will need an additional \$8 million.

Vice-Chairman Rooks emphasized that this subject was discussed at the commission retreat, which is a public meeting. She then stated that County Clerk Shelby Haywood recorded the minutes.

For the record, Chairman Turner stated there have been numerous emails, meetings, and discussions regarding measures for Southern Regional Hospital.

Vice-Chairman Rooks again asked Commissioner Hambrick if her position is for the hospital to close.

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Commissioner Hambrick replied that is not her position, and her position is to put the vote off for SPLOST until the November General Election.

Chairman Turner thanked Commissioner Hambrick and stated that her comments were duly noted.

20. ZONING PETITION: **SID M. KRESSES, LARRY WILENSKY & WEST HENRY LAND CORP.; MODIFICATION FOR CASE NUMBER REZ/CUP 201210-02**

Motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to defer Sid M. Kresses, Larry E. Wilensky & West Henry Land Corporation's request for a modification to an existing Conditional Use Permit from Article 8.18 Billboard Standards for an LED billboard upon the property located at 0 Mt. Zion Parkway in Stockbridge, GA, otherwise known as parcel number 12074C B002, which is currently zoned Regional Mixed Use (RMX). The subject property is approximately 7.74 acres of land and is currently vacant. Vote unanimous. {NOTE: The Planning & Zoning Staff recommends approval with a stipulation.} **District 4 – Commissioner Michael Edmondson**

Interim County Attorney Jack Hancock informed the Board that he had conferred with Sid M. Kresses, and the petitioner is effectively asking to amend the previously issued Conditional Use Permit (CUP) to prohibit and permit a use in a zoning classification. He told the Board that he was not sure if it had authority to do this. Mr. Hancock recommended that the Board continue this petition without having a public hearing, readvertise it, and make sure it is a committed action on the Board's part before it continues with a motion.

Vice-Chairman Rooks made a motion to accept Mr. Hancock's legal recommendation.

Without the acquiescence of the petitioner, Commissioner Edmondson questioned if the Board would have to make a ruling in tonight's meeting despite Mr. Hancock's advice.

Mr. Hancock replied no. The Board can continue it and will also need to readvertise it.

Commissioner Edmondson questioned whether or not the Board needed the permission or agreement of the petitioner.

Mr. Hancock answered that the Board has to have an answer before it can take action and this can be challenged.

Petitioner Sidney Kresses stated he had no objection to this request.

Commissioner Edmondson recalled that there was a person present in opposition to this zoning petition, and he wondered if it would be fair to hear sides in tonight's meeting.

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Due to this situation, Mr. Hancock recommended that the Board not hear sides tonight.

There being no further business to discuss, motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to adjourn the Regular Business Meeting of February 18, 2014 at 7:50 p.m. Vote unanimous.